

#436  
1 BILL NO. G-90-06-40

2 GENERAL ORDINANCE NO. G-18-90

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a portion of a dedicated street.

6 WHEREAS, a petition to vacate a portion of dedicated  
7 street within the City of Fort Wayne (as more specifically  
8 described below) was duly filed with the City Planning  
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing  
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its  
13 recommendation to this body approving said petition, all in  
14 accordance with I.C. 36-7-4-512(2) and this body having held  
15 a public hearing on said vacation as provided in I.C. 36-7-  
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the  
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a  
22 portion of a dedicated street within the City of Fort Wayne,  
23 more specifically described as follows, to-wit:

24 Part of the Northeast Quarter of the Southeast  
25 Quarter of Section 14, Township 31 North, Range 12  
26 East, in Allen County, Indiana, more particularly  
27 described as follows:

28 Commencing at a point on the West line of the Northeast  
29 Quarter of the Southeast Quarter of Section 14,  
30 Township 31 North, Range 12 East, Allen County,  
31 Indiana, said point being 360.0 feet South of the  
32 Northwest corner of the NE 1/4 of the SE 1/4 of Sec.  
14-31-12; thence North 90 degrees 00 minutes East, a  
distance of 575.08 feet to the true point of beginning;  
thence North 90 degrees 00 minutes East, a distance of  
80.0 feet to a point on the East right-of-way line of  
Oakbrook Parkway; thence South 00 degrees, 00 minutes  
East along the East right-of-way line of Oakbrook  
Parkway, a distance of 400.00 feet; thence North 90  
degrees 00 minutes West along the South right-of-way  
line of Oakbrook Parkway a distance of 250.0 feet;



#435

1 thence North 00 degrees, 00 minutes East along the West  
2 right-of-way line of Oakbrook Parkway, a distance of  
3 170.0 feet; thence North 90 degrees, 00 minutes East, a  
4 distance of 50.0 feet; thence South 00 degrees, 00  
5 minutes East, a distance of 70.0 feet to a point of  
6 curvature; thence Southeasterly along a curve to the  
7 left having a radius of 50.0 feet and a central angle  
8 of 90 degrees, 00 minutes a distance of 78.54 feet to a  
9 point of tangency; thence North 90 degrees, 00 minutes  
10 East, a distance of 50.0 feet to a point of curvature;  
11 thence Northeasterly along a curve to the left, having  
12 a radius of 50.0 feet and a central angle of 90  
13 degrees, 00 minutes, a distance of 78.54 feet to a  
14 point of tangency; thence North 00 degrees 00 minutes  
15 East, a distance of 200.0 feet to a point of curvature;  
16 thence Northwesterly along a curve to the left having a  
17 radius of 50.0 feet and a central angle of 66 degrees  
18 25 minutes 20 seconds, a distance of 57.96 feet; thence  
19 North 00 degrees, 00 minutes East, a distance of 54.17  
20 feet to the point of beginning, containing 0.90 acres.

21 ALSO

22 Part of the Northeast Quarter of the Southeast Quarter  
23 of Section 14, Township 31 North, Range 12 East, in  
24 Allen County, Indiana, more particularly described as  
25 follows:

26 Commencing at a point on the West line of the Northeast  
27 Quarter of the Southeast Quarter of Section 14,  
28 Township 31 North, Range 12 East, Allen County,  
29 Indiana, said point being 360.0 feet South of the  
30 Northwest corner of the NE 1/4 of the SE 1/4 of Sec.  
31 14-31-12; thence North 90 degrees, 00 minutes East, a  
32 distance of 405.08 feet to a point on the West right-  
of-way line of Oakbrook Parkway; thence South 00  
degrees 00 minutes East along the said right-of-way  
line, a distance of 230.0 feet to the true point of  
beginning; thence North 90 degrees 00 minutes East, a  
distance of 50.0 feet to a point on a non-tangent  
curve; thence Southeasterly, Southwesterly,  
Northwesterly and Northeasterly, along a curve to the  
right having a radius of 50.0 feet and a central angle  
of 300 degrees, 00 minutes, a distance of 261.8 feet to  
the point of beginning, containing 0.18 acres.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

  
COUNCILMEMBER



#435

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

\*\* Public hearing to be held on Tuesday,  
the 28th day of August, 1990,  
in the Council Chambers.

Sandra E. Kennedy  
Sandra E. Kennedy, City Clerk



Read the first time in full and on motion by Long, seconded by Salinas, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 6-26-90  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Salinas, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>          </u>	<u>          </u>	<u>1</u>
<u>BRADBURY</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>BURNS</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>EDMONDS</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>GIAQUINTA</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>✓</u>
<u>HENRY</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>LONG</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>REDD</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>SCHMIDT</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>TALARICO</u>	<u>✓</u>	<u>          </u>	<u>          </u>	<u>          </u>

DATED: 8-28-90.  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-18-90 on the 28th day of August, 1990

ATTEST: (SEAL)  
Sandra E. Kennedy Charles S. Reed  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of August, 1990, at the hour of 11:00 o'clock A. M., E.S.T.  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 31st day of August, 1990, at the hour of 10:35 o'clock PA M., E.S.T.  
PAUL HELMKE  
PAUL HELMKE, MAYOR

# RECEIPT

No 7309

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 5-17 1990

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

*Debbert Assoc*

\$ 350.00

DOLLARS

*Three hundred + fifty + 00/100*

*Cement Res. Co. for*

*Oak Brook Office Rt + Sec. Dev. Plan*

*vacating private*

AUTHORIZED SIGNATURE

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

*4 To Hc*



Date Filed: \_\_\_\_\_

Vacation Petition

I/We Oakbrook Associates, a general partnership  
(Applicant's Name or Names)

PETITION TO VACATE private street  
(Street, Alley, Utility Easement, Plat,

Other) \_\_\_\_\_

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), ~~xxx~~ (docs) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following private street with the City of Fort Wayne, Indiana, and hereby described as follows:

(See Exhibit A)

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

The undersigned are the only owners of real estate bordering on both sides of the private street. Assuming the purchase (pursuant to outstanding option) by GTE of what is commonly known as the Office Park Feature, such portion of the private street, as described in Petition, will not be necessary for ingress or egress to any other properties.

Since GTE will have contiguous property, it wishes to eliminate the private street which would be running through its property.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.

WHEREFORE, your petitioner(s) pray that the above described private street be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 16th DAY OF MAY 19 90

OAKBROOK ASSOCIATES

INSURANCE REALTY INVESTORS,

a general partnership

By: Michael C. Davis a general partner  
Adjacent Property Owner  
Typed Name

By: Philip King a general partner  
Adjacent Property Owner  
Typed Name

1910 Ft. Wayne Nat'l. Bank Bldg.  
Address Zip

6400 Brotherhood Way  
Address Zip

Fort Wayne, IN 46802

Fort Wayne, IN 46825

~~Signature~~

~~Signature~~

By executing this Petition on behalf of a corporation, the person signing represents and certifies that he is a duly elected officer of said corporation, has been fully empowered by proper resolution or the bylaws of said corporation, to execute and deliver this Petition and all related documents; that the corporation is in good standing in the State of incorporation, and that all necessary corporate action for the execution of this Petition has been duly taken.



Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

GTE DATA SERVICES, INC.

By: [Signature]  
Its: President Commercial Services  
6430 Oakbrook Parkway

Burl Keener  
111 E. Ludwig

[Signature]  
Dorothy J. Keener  
111 E. Ludwig

Fort Wayne, IN 46825 \*

Fort Wayne, IN 46825

Fort Wayne, IN 46825

Adjacent Property Address/Zip  
Owners TYPED Name

Signature

\*MAILING ADDRESS: GTE DATA SERVICES, P. O. BOX 290152, Temple Terrace, FL 33687-0152  
ATTN: FACILITIES MANAGEMENT

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE  
PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC  
HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT: HARDING DAHM & CO.

By: Michael C. Dahm  
Name

1910 Ft. Wayne National Bank Building  
Street Address

Fort Wayne, IN 46802  
City/State/Zip

(219) 423-4311  
Phone

All signees of this Petition agree to (i) grant any easements over the  
vacated property required by the City of Fort Wayne for various utilities  
serving or crossing the vacated property, (ii) execute an amendment to the  
Protective Covenants to permit such vacation, if necessary and (iii) execute  
any other documents required for this vacation.

By executing this Petition on behalf of a general partnership, the person  
signing represents that he is a general partner and has been fully empowered by  
proper resolution or the partnership agreement to execute and deliver this Petition  
and all related documents on behalf of the partnership.







# CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
 FRANCIS X. MUELLER P.L.S. No. 50193 INDIANA  
 GREGORY L. ROBERTS P.L.S. No. 50548 INDIANA  
 FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

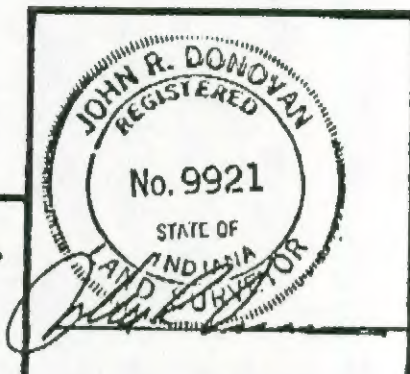
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, Allen County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 14-31-12; thence North 90 degrees, 00 minutes East, a distance of 575.08 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 80.0 feet to a point on the East right-of-way line of Oakbrook Parkway; thence South 00 degrees, 00 minutes East along the East right-of-way line of Oakbrook Parkway, a distance of 400.0 feet; thence North 90 degrees, 00 minutes West along the South right-of-way line of Oakbrook Parkway, a distance of 250.0 feet; thence North 00 degrees, 00 minutes East along the West right-of-way line of Oakbrook Parkway, a distance of 170.0 feet; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet; thence South 00 degrees, 00 minutes East, a distance of 70.0 feet to a point of curvature; thence Southeasterly along a curve to the left having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes a distance of 78.54 feet to a point of tangency; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet to a point of curvature; thence Northeasterly along a curve to the left, having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes, a distance of 78.54 feet to a point of tangency; thence North 00 degrees 00 minutes East, a distance of 200.0 feet to a point of curvature; thence Northwesterly along a curve to the left having a radius of 50.0 feet and a central angle of 66 degrees 25 minutes 20 seconds, a distance of 57.96 feet; thence North 00 degrees, 00 minutes East, a distance of 54.17 feet to the point of beginning, containing 0.90 acres.

JOB FOR: DAHM

9-20-89





CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA

FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA

GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA

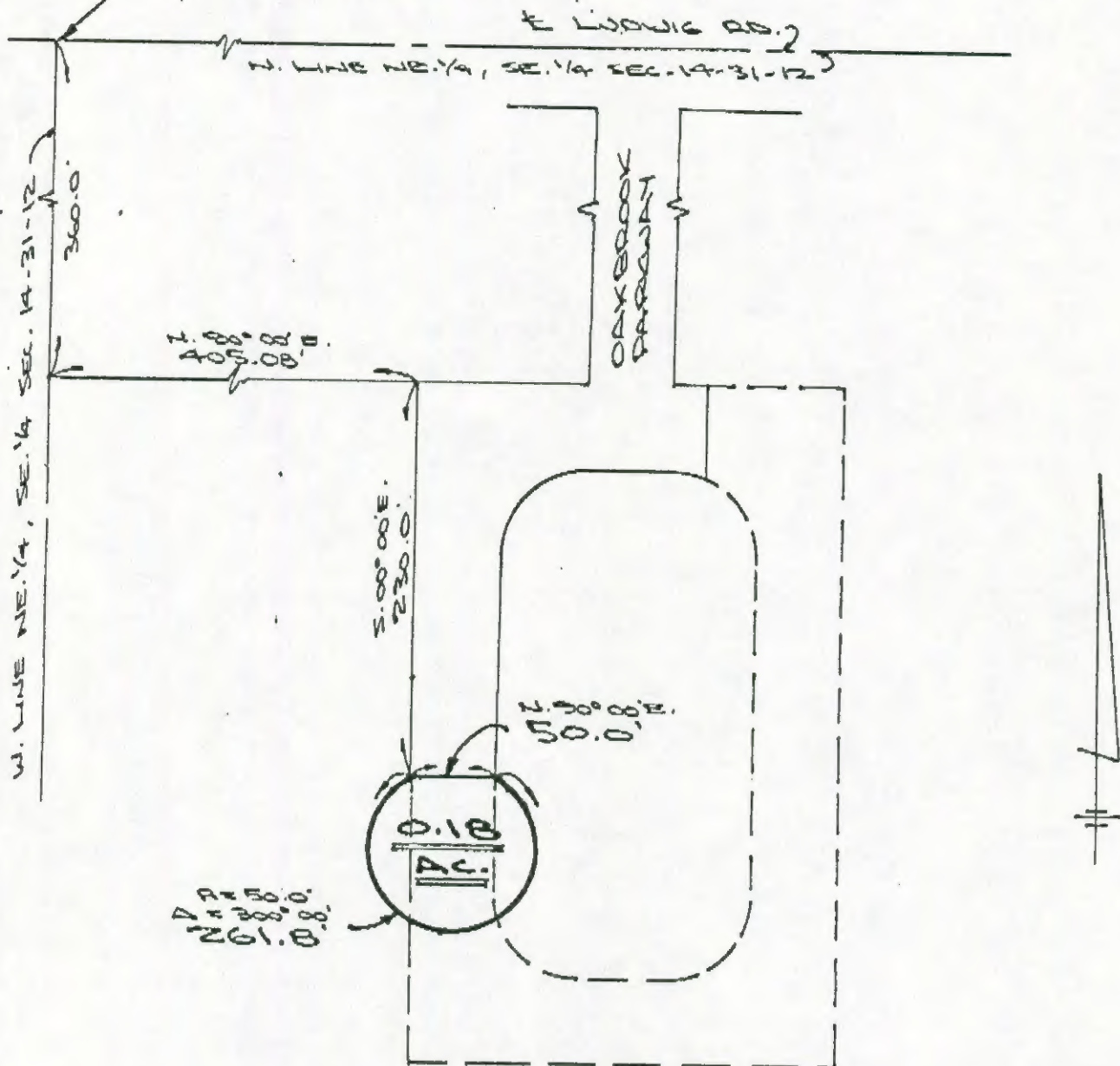
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below,

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**

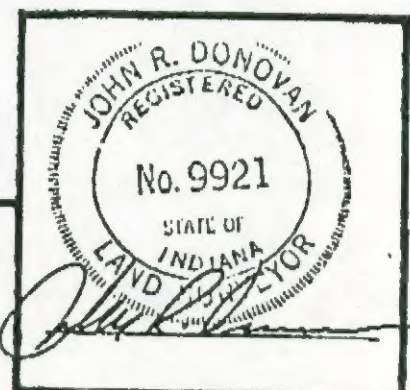
NW. COR. NE. 1/4, SE. 1/4  
SEC. 14, T. 31 N., R. 12 E.,  
ALLEN CO., IN.



Area 50.0'  
261.8'

1B FOR: DAHM

1" = 100'  
9-20-89





## CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA  
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA  
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

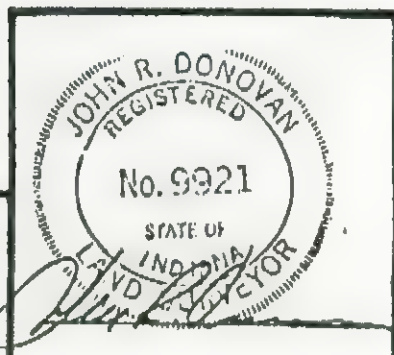
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, Allen County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 14-31-12; thence North 90 degrees, 00 minutes East, a distance of 405.08 feet to a point on the West right-of-way line of Oakbrook Parkway; thence South 00 degrees 00 minutes East along the said right-of-way line, a distance of 230.0 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 50.0 feet to a point on a non-tangent curve; thence South-easterly, Southwesterly, Northwesterly and Northeasterly, along a curve to the right having a radius of 50.0 feet and a central angle of 300 degrees, 00 minutes, a distance of 261.8 feet to the point of beginning, containing 0.18 acres.

JOB FOR: DAHM

9-20-89





RESOLUTION 78-254-7

WHEREAS, OAKBROOK ASSOCIATES, A GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following street situated in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees 00 minutes East, a distance of 575.08 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 80.0 feet to a point on the East right-of-way line of Oakbrook Parkway; thence South 00 degrees, 00 minutes East along the East right-of-way line of Oakbrook Parkway, a distance of 400.00 feet; thence North 90 degrees 00 minutes West along the South right-of-way line of Oakbrook Parkway a distance of 250.0 feet; thence North 00 degrees, 00 minutes East along the West right-of-way line of Oakbrook Parkway, a distance of 170.0 feet; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet; thence South 00 degrees, 00 minutes East, a distance of 70.0 feet to a point of curvature; thence Southeasterly along a curve to the left having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes a distance of 78.54 feet to a point of tangency; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet to a point of curvature; thence Northeasterly along a curve to the left, having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes, a distance of 78.54 feet to a point of tangency; thence North 00 degrees 00 minutes East, a distance of 200.0 feet to a point of curvature; thence Northwesterly along a curve to the left having a radius of 50.0 feet and a central angle of 66 degrees 25 minutes 20 seconds, a distance of 57.96 feet; thence North 00 degrees, 00 minutes East, a distance of 54.17 feet to the point of beginning, containing 0.90 acres.

ALSO

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees, 00 minutes East, a distance of 405.08 feet to a point on the West right-of-way line of Oakbrook Parkway; thence South 00 degrees 00 minutes East along the said right-of-way line, a distance of 230.0 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 50.0 feet to a point on a non-tangent curve; thence Southeasterly, Southwesterly, Northwesterly and Northeasterly, along a curve to the right having a radius of 50.0 feet and a central angle of 300 degrees, 00 minutes, a distance of 261.8 feet to the point of beginning, containing 0.18 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,



WHEREAS, notice of such public hearing has been given by due and proper publication thereof;


WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF (ALLEN ) SS:

I, , Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 11, 1990 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 11 DAY OF July 1990

FORT WAYNE BOARD OF PUBLIC WORKS

  
Charles E. Layton  
Director of Public Works

  
Michael McAlexander  
Director of Public Safety

  
Douglas M. Lehman  
Director of Administration & Finance



## RESOLUTION

WHEREAS, OAKBROOK ASSOCIATES, A GENERAL PARTNERSHIP has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated street in Fort Wayne, Allen County, to-wit:

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees 00 minutes East, a distance of 575.08 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 80.0 feet to a point on the East right-of-way line of Oakbrook Parkway; thence South 00 degrees, 00 minutes East along the East right-of-way line of Oakbrook Parkway, a distance of 400.00 feet; thence North 90 degrees 00 minutes West along the South right-of-way line of Oakbrook Parkway a distance of 250.0 feet; thence North 00 degrees, 00 minutes East along the West right-of-way line of Oakbrook Parkway, a distance of 170.0 feet; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet; thence South 00 degrees, 00 minutes East, a distance of 70.0 feet to a point of curvature; thence Southeasterly along a curve to the left having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes a distance of 78.54 feet to a point of tangency; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet to a point of curvature; thence Northeasterly along a curve to the left, having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes, a distance of 78.54 feet to a point of tangency; thence North 00 degrees 00 minutes East, a distance of 200.0 feet to a point of curvature; thence Northwesterly along a curve to the left having a radius of 50.0 feet and a central angle of 66 degrees 25 minutes 20 seconds, a distance of 57.96 feet; thence North 00 degrees, 00 minutes East, a distance of 54.17 feet to the point of beginning, containing 0.90 acres.

ALSO

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees, 00 minutes East, a distance of 405.08 feet to a point on the West right-of-way line of Oakbrook Parkway; thence South 00 degrees 00 minutes East along the said right-of-way line, a distance of 230.0 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 50.0 feet to a point on a non-tangent curve; thence Southeasterly, Southwesterly, Northwesterly and Northeasterly, along a curve to the right having a radius of 50.0 feet and a central angle of 300 degrees, 00 minutes, a distance of 261.8 feet to the point of beginning, containing 0.18 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-12.



WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 18, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated street.

WHEREAS, said vacation of dedicated street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated street or part thereof for the vacation and operation of its utility facilities shall be deprive of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated street in Allen County, Indiana.

STATE OF INDIANA) )  
 ) SS:  
COUNTY OF ALLEN )

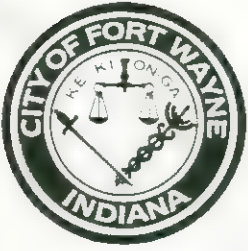
I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 25, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 35 DAY OF June 1990

FORT WAYNE CITY PLAN COMMISSION

Robert Huthner  
Sécretary





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

August 15, 1990

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of August 18, 1990, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council;  
of Fort Wayne, IN

Bill No. G-90-06-40  
Vacating a portion of a dedicated street

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-90-06-40)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, August 28, 1990, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana more particularly described as follows:

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees 00 minutes East, a distance of 575.08 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 80.0 feet to a point on the East right-of-way line of Oakbrook Parkway; thence South 00 degrees, 00 minutes East along the East right-of-way line of Oakbrook Parkway, a distance of 400.00 feet; thence North 90 degrees 00 minutes West along the South right-of-way line of Oakbrook Parkway a distance of 250.0 feet; thence North 00 degrees, 00 minutes East along the West right-of-way line of Oakbrook Parkway, a distance of 170.0 feet; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet; thence South 00 degrees, 00 minutes East, a distance of 70.0 feet to a point of curvature; thence Southeasterly along a curve to the left having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes a distance of 78.54 feet to a point of tangency; thence North 90 degrees, 00 minutes East, a distance of 50.0 feet to a point of curvature; thence Northeasterly along a curve to the left, having a radius of 50.0 feet and a central angle of 90 degrees, 00 minutes, a distance of 78.54 feet to a point of tangency; thence North 00 degrees 00 minutes East, a distance of 200.0 feet to a point of curvature; thence Northwesterly along a curve to the left having a radius of 50.0 feet and a central angle of 66 degrees 25 minutes 20 seconds, a distance of 57.96 feet; thence North 00 degrees, 00 minutes East, a distance of 54.17 feet to the point of beginning, containing 0.90 acres.

ALSO

Part of the Northeast Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at a point on the West line of the Northeast



Quarter of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, said point being 360.0 feet South of the Northwest corner of the NE 1/4 of the SE 1/4 of Sec. 14-31-12; thence North 90 degrees, 00 minutes East, a distance of 405.08 feet to a point on the West right-of-way line of Oakbrook Parkway; thence South 00 degrees 00 minutes East along the said right-of-way line, a distance of 230.0 feet to the true point of beginning; thence North 90 degrees 00 minutes East, a distance of 50.0 feet to a point on a non-tangent curve; thence Southeasterly, Southwesterly, Northwesterly and Northeasterly, along a curve to the right having a radius of 50.0 feet and a central angle of 300 degrees, 00 minutes, a distance of 261.8 feet to the point of beginning, containing 0.18 acres.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council



Sandra E. Kennedy

City Clerk



#435  
1 BILL NO. G-90-06-40

2 GENERAL ORDINANCE NO. G-\_\_\_\_\_

3 AN ORDINANCE amending the Thoroughfare  
4 Plan of the City Comprehensive ("Master")  
5 Plan by vacating a portion of a dedicated street.

6 WHEREAS, a petition to vacate a portion of dedicated  
7 street within the City of Fort Wayne (as more specifically  
8 described below) was duly filed with the City Planning  
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing  
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its  
13 recommendation to this body approving said petition, all in  
14 accordance with I.C. 36-7-4-512(2) and this body having held  
15 a public hearing on said vacation as provided in I.C. 36-7-  
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the  
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a  
22 portion of a dedicated street within the City of Fort Wayne,  
23 more specifically described as follows, to-wit:

24 Part of the Northeast Quarter of the Southeast  
25 Quarter of Section 14, Township 31 North, Range 12  
26 East, in Allen County, Indiana, more particularly  
27 described as follows:

28 Commencing at a point on the West line of the Northeast  
29 Quarter of the Southeast Quarter of Section 14,  
30 Township 31 North, Range 12 East, Allen County,  
31 Indiana, said point being 360.0 feet South of the  
32 Northwest corner of the NE 1/4 of the SE 1/4 of Sec.  
14-31-12; thence North 90 degrees 00 minutes East, a  
distance of 575.08 feet to the true point of beginning;  
thence North 90 degrees 00 minutes East, a distance of  
80.0 feet to a point on the East right-of-way line of  
Oakbrook Parkway; thence South 00 degrees, 00 minutes  
East along the East right-of-way line of Oakbrook  
Parkway, a distance of 400.00 feet; thence North 90  
degrees 00 minutes West along the South right-of-way  
line of Oakbrook Parkway a distance of 250.0 feet;



1 thence North 00 degrees, 00 minutes East along the West  
2 right-of-way line of Oakbrook Parkway, a distance of  
3 170.0 feet; thence North 90 degrees, 00 minutes East, a  
4 distance of 50.0 feet; thence South 00 degrees, 00  
5 minutes East, a distance of 70.0 feet to a point of  
6 curvature; thence Southeasterly along a curve to the  
7 left having a radius of 50.0 feet and a central angle  
8 of 90 degrees, 00 minutes a distance of 78.54 feet to a  
9 point of tangency; thence North 90 degrees, 00 minutes  
10 East, a distance of 50.0 feet to a point of curvature;  
11 thence Northeasterly along a curve to the left, having  
12 a radius of 50.0 feet and a central angle of 90  
13 degrees, 00 minutes, a distance of 78.54 feet to a  
14 point of tangency; thence North 00 degrees 00 minutes  
15 East, a distance of 200.0 feet to a point of curvature;  
16 thence Northwesterly along a curve to the left having a  
17 radius of 50.0 feet and a central angle of 66 degrees  
18 25 minutes 20 seconds, a distance of 57.96 feet; thence  
19 North 00 degrees, 00 minutes East, a distance of 54.17  
20 feet to the point of beginning, containing 0.90 acres.

21 ALSO

22 Part of the Northeast Quarter of the Southeast Quarter  
23 of Section 14, Township 31 North, Range 12 East, in  
24 Allen County, Indiana, more particularly described as  
25 follows:

26 Commencing at a point on the West line of the Northeast  
27 Quarter of the Southeast Quarter of Section 14,  
28 Township 31 North, Range 12 East, Allen County,  
29 Indiana, said point being 360.0 feet South of the  
30 Northwest corner of the NE 1/4 of the SE 1/4 of Sec.  
31 14-31-12; thence North 90 degrees, 00 minutes East, a  
32 distance of 405.08 feet to a point on the West right-  
of-way line of Oakbrook Parkway; thence South 00  
degrees 00 minutes East along the said right-of-way  
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Northwesterly and Northeasterly, along a curve to the  
right having a radius of 50.0 feet and a central angle  
of 300 degrees, 00 minutes, a distance of 261.8 feet to  
the point of beginning, containing 0.18 acres.

and which vacating amends the Thoroughfare Plan of the City  
Comprehensive ("Master") Plan and is hereby approved in all  
respects.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, any and all necessary  
approval by the Mayor.

  
COUNCILMEMBER



AGENT:

Mike Dahm  
1910 Fort Wayne Nat'l Bank Bldg  
City 02

423-4311



#425  
ORIGINAL

ORIGINAL

**DIGEST SHEET**

Street Vacation Ordinance

**TITLE OF ORDINANCE**

Land Use Management - C&ED

**DEPARTMENT REQUESTING ORDINANCE**

Portion of Oakbrook Parkway

**SYNOPSIS OF ORDINANCE**

G-90-06-40

**EFFECT OF PASSAGE**

Property is presently a dedicated street. Property will be vacated and revert to the ownership of the adjacent property owners.

**EFFECT OF NON-PASSAGE**

Property will remain a dedicated street.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)**

**(ASSIGN TO COMMITTEE (J.N.))**

# FACT SHEET

G-90-06-40

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

Street Vacation Ordinance

APPROVAL DEADLINE

REASON

### DETAILS

Specific Location and/or Address

Portion of Oakbrook Parkway

Reason for Project

Potential expansion of office use.

Discussion (Including relationship to other Council actions)

18 June 1990 - Public Hearing

Jim Koday, attorney representing the petitioners Oakbrook Associates appeared before the Commission. Mr. Koday stated that the office buildings in the development all surround a common area which is surrounded by a loop, by which the businesses and the tenants and owners access their properties. He stated that GTE Data Services which is on the east side of this access wishes to expand. He stated that in order for them to expand they have to use what was formerly a common area in the middle of the loop, which none of the tenants in the complex want to maintain anymore. He stated that the adjacent property owners have all signed the petition to vacate. He stated that if vacated this will allow GTE Data Services to expand.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

### POSITIONS

### RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)

Oakbrook Associates, a general partnership  
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff  
Recommendation

☒ For ☐ Against

Reason Against

Board or  
Commission  
Recommendation

By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to condition  
(See Details column for condition)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



# DETAILS

25 June 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner providing new utility easements or relocations as needed.

Of the six (6) members present, five (5) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This ordinance has been held until the required easements were granted.

## POLICY/PROGRAM IMPACT

Policy or  
Program  
Change

☐

No

☐

Yes

Operational  
Impact  
Assessment

(This space for further discussion)

Project Start

Date 17 May 1990

Projected Completion or Occupancy

Date 14 August 1990

Fact Sheet Prepared by

Date 14 August 1990

Patricia Biancaniello

Reviewed by

Date 8-14-90

Reference or Case Number

BILL NO. G-90-06-40

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON \_\_\_\_\_ REGULATIONS \_\_\_\_\_ TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare  
Plan of the City Comprehensive ("Master") Plan by vacating a  
portion of a dedicated street  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)  
\_\_\_\_\_

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>J. G. Bradbury</i>	_____	_____	_____
<i>Clatus B. Edmonds</i>	_____	_____	_____
<i>[Signature]</i>	_____	_____	_____
<i>Janet G. Talarico</i>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: *Feb-50.*

Sandra E. Kennedy  
City Clerk

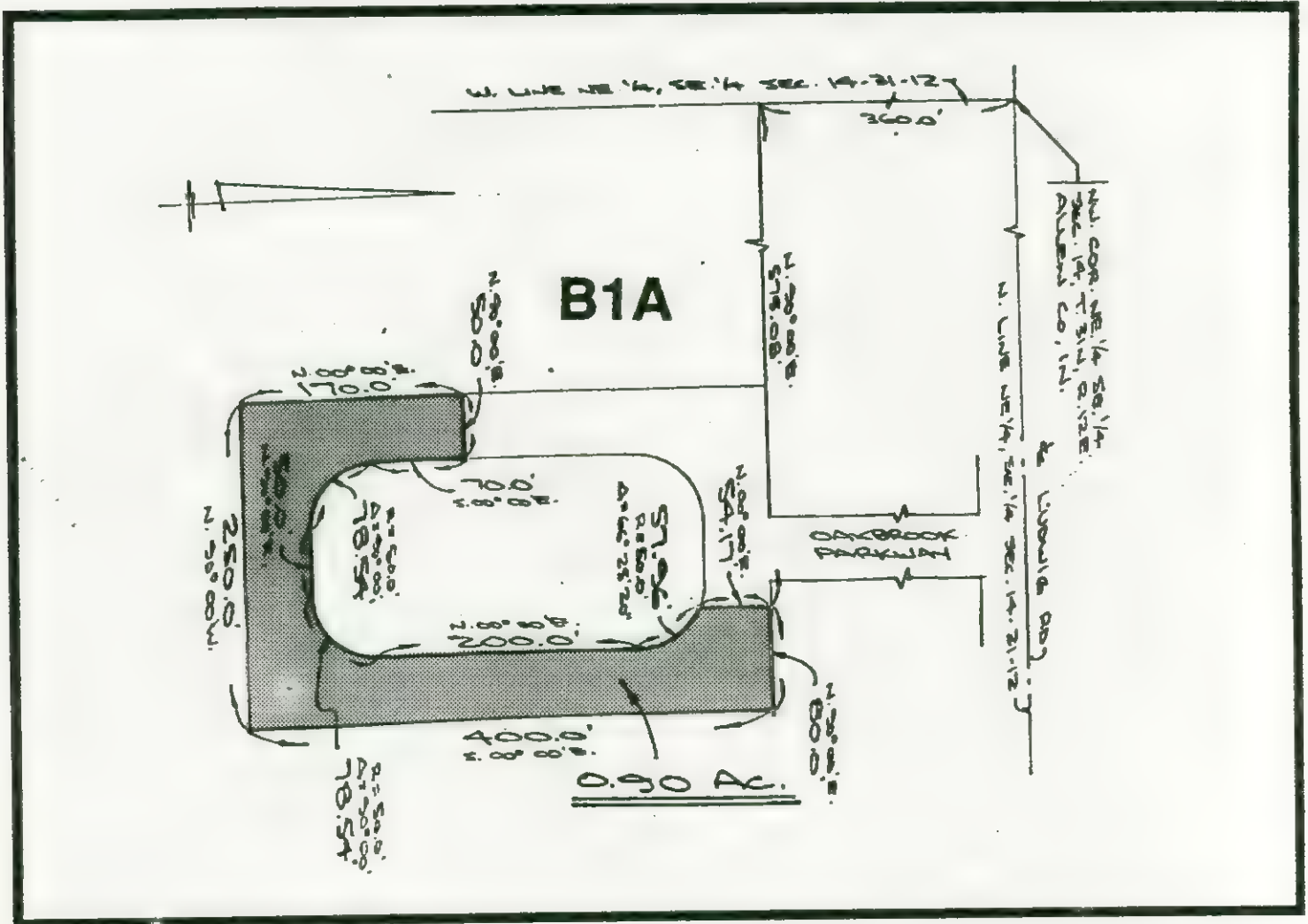


## VACATION PETITION

A PETITION TO VACATE THE DESCRIBED PORTION OF PRIVATE STREET.

MAP NO. M-38

**COUNCILMANIC DISTRICT NO. 3**



**ZONING:**

**B1A LIMITED BUSINESS "A"**

**LAND USE:**

☐ COMMERCIAL

**SCALE: NTS**

**DATE: 5-31-90**





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

August 16, 1990

Mike Dahm  
1910 Fort Wayne National Bank Bldg.  
Fort Wayne, IN 46802

### NOTICE OF PUBLIC HEARING ON BILL NO. G-90-06-40

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, August 28, 1990, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Bldg., One Main Street, Fort Wayne, IN, on the following:

Portion of Oakbrook Parkway - Potential  
expansion of office use

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy  
City Clerk



To:

Dr.

P.O. Box 100

## Fort Wayne, IN

County, Indiana

## LINE COUNT

**Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)**  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

**Tail -- number of lines**

Total number of lines in notice

### COMPUTATION OF CHARGES

76 lines, 1 columns wide equals 76 equivalent lines  
at .33 cents per line

\$ 25.08

**Additional charge for notices containing rule or tabular work  
(50 percent of above amount)**

**Charge for extra proofs of publication (\$1.00 for each proof in excess of two)**

2.00

TOTAL AMOUNT OF CLAIM

\$ 27.08

### DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

NOTICE OF PUBLIC HEARING  
FORT WAYNE COMMON COUNCIL  
(BILL NO. G-90-06-40)

and penalties of Chapter 155, Acts 1953,

foregoing account is just and correct, that the amount  
 er allowing all just credits, and that no part of the

19 90

**Title:** \_\_\_\_\_ **Clerk**

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) 88:

### Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Nicole Allred who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time (s), the dates of publication being as follows:

8/18/90

Subscribed and sworn to before me this 18th day of August, 1990.

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk



Fort Wayne Common Council

To:

The Journal-Gazette

Dr.

(Governmental Unit)

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

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Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: August 18, 19 90

Title: Clerk

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) ss:

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this 18th day of August, 19 90

Notary Public Whitley County, IN  
SHELLEY R. LARUE

3, 1994

Fort Wayne Common Council  
Sandra E. Kennedy  
City Clerk

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8/18/90

Nicole Allred

Subscribed and sworn to before me this 18th day of August, 1990.

Shelley R. Larue  
Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994



Fort Wayne Common Council

To: The Journal-Gazette Dr.

(Governmental Unit)

P.O. Box 100

Allen County, Indiana

Fort Wayne, IN

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